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 LIBERTY LIFE ASSURANCE COMPANY OF BOSTON

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

VICTORIA RIEKER,

Plaintiff,

vs.

LIBERTY LIFE ASSURANCE COMPANY OF  
 BOSTON, also known as LIBERTY MUTUAL,

Defendant.

CASE NO. C-6-03065 MMC

**STIPULATION AND [PROPOSED]  
 ORDER CONTINUING ADR CUTOFF**

Mediation: September 18, 2006  
 Discovery Cutoff: N/A  
 Motion Cutoff: January 26, 2007  
 Trial: TBA

Honorable Maxine M. Chesney

This action arises from the termination of plaintiff VICTORIA RIEKER's claim for long-term disability benefits under the Alexander & Baldwin, Inc. long-term disability plan ("the Plan"). The Plan is a defined benefit plan subject to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1001, *et seq.* The long-term disability portion of the Plan was insured by a group disability income policy issued to Alexander & Baldwin, Inc. by defendant LIBERTY LIFE ASSURANCE COMPANY OF BOSTON ("Liberty Life"), the claims administrator under the Plan.

On May 23, 2006, the parties, through their respective counsel, agreed to participate in court-sponsored mediation. On May 24, 2006, the court ordered the parties to complete ADR within 90 days (i.e., by August 22, 2006). On June 7, 2006, the court appointed C. Mark Humbert of Green & Humbert to serve as the mediator in this case;

Whereas, the parties have agreed to appear for mediation before Mr. Humbert on

1 September 18, 2006, the earliest date on which plaintiff, a representative of Liberty Life, the  
2 mediator, and counsel for the parties are all available;

3 **IT IS HEREBY STIPULATED** by and between plaintiff and Liberty Life, through their  
4 respective counsel, that the last day for the parties to complete ADR shall be and hereby is  
5 continued from August 22, 2006 to September 30, 2006.

6 **IT IS SO STIPULATED.**

7 Dated: August 18, 2006

LAW OFFICES OF GEORGE J. ENGLER

9 By: 

10 GEORGE J. ENGLER

ELISA M. ENGLER

Attorneys for Plaintiff, VICTORIA RIELER

12 Dated: August 18, 2006

ROPERS, MAJESKI, KOHN & BENTLEY

14 By: 

KATHRYN C. CURRY

ROBERT M. FORNI, JR.

Attorneys for Defendant, LIBERTY LIFE  
ASSURANCE COMPANY OF BOSTON

17 **ORDER**

18 **IT IS SO ORDERED.**

20 Dated: August 21, 2006



HON. MAXINE M. CHESNEY

UNITED STATES DISTRICT JUDGE